In the High Court of Judicature for Rajasthan
Jaipur Bench
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Cr. Msc. Petition No.2087/2007
M/s Padam Kumar Pradeep Kumar Jain
Versus M/s Trilok Chand

Date of Order ::: 03/12/07

Hon'ble Mr. Justice Ajay Rastogi

Mr. R.P.Vijay, for petitioner

Instant petition has been filed by accused assailing order dt.24/07/07 in Cr.Case-209/06 whereby Addl. Chief Judl. Mag. No.5, Kota allowed their application moved for examination of writing of cheque by FSL but with certain conditions, which were upheld by Special Judge (SC/ST) (Prevention of Atrocities) Cases Kota in Cr.Rev-126/07.

On a complaint filed by respondent, learned trial Magistrate took cognizance of offence U/s 138 of the Negotiable Instruments Act, 1881 against petitioners. Pending trial, application was filed by petitioner for taking expert's opinion through FSL since petitioners disputed handwriting as regards name/endorsement & so also amount disclosed in the cheque. It was specifically stated by complainant that cheque was duly filled and signed by the drawer of the cheque in his presence. On the application, learned trial Judge directed the petitioners to get

the same examined through FSL of his own. When no action was taken by FSL, petitioners filed revision and Court of Revision observed that he can move application before trial Judge who may get him examined in accordance with law. This Court has gone through the orders impugned and does not find any infirmity which may call interference in inherent jurisdiction.

Consequently, misc. petition fails and is hereby dismissed. However, petitioner will be free to file fresh application before the trial Judge with regard to the examination of writing on the cheque in question through FSL and if such application is filed, the same may be examined and disposed of by learned trial Judge in accordance with law.

(**Ajay Rastogi), J.**

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